

HOUSE BILL 2012
By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Section 8-34-603, Section 8-34-622; Section 8-34-623; Section 8-34-716; Section 8-35-105; Section 8-36-204(b)(1); and Section 8-37-309, relative to membership in the Tennessee Consolidated Retirement System.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-34-603(a)(3)(A), is amended by deleting subdivision (v) in its entirety and by substituting instead the following:

(v) Any state judge establishing service in Group 4 on or after September 1, 1990, which was rendered in a capacity covered by Group 4, shall receive credit in Group 4; and

(vi) Any attorney general and reporter establishing service in Group 4 on or after July 1, 2005, which was rendered in a capacity covered by Group 4, shall receive credit in Group 4.

SECTION 2. Tennessee Code Annotated, Section 8-34-603(a)(3)(B), is amended by deleting the figures "(a)(3)(A)(ii)-(v)" and by substituting instead the figures "(a)(3)(A)(ii)-(vi)".

SECTION 3. Tennessee Code Annotated, Title 8, Chapter 34, Part 6, is amended by deleting § 8-34-622 in its entirety and by substituting instead the following:

Section 8-34-622. Any member in Group 4 may establish creditable service only for service rendered and contributions made as a state judge, an attorney general and reporter who meets the requirements of § 8-34-623(b), constitutional convention member as provided by § 8-34-608 and for military service as provided by § 8-34-605.

SECTION 4. Tennessee Code Annotated, Section 8-34-623, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b) Notwithstanding any provision of the law to the contrary, any Group 1 attorney general and reporter who served as a Group 4 state judge immediately prior to being appointed as the attorney general and reporter shall be eligible to elect to transfer any service previously established as the attorney general and reporter, member of a constitutional convention as provided by § 8-34-608 and military service as provided by § 8-34-605 from Group 1 to Group 4 of the retirement system. It is further provided that such transfer of service shall occur upon the election by the member and the lump sum payment, if applicable, of the difference between what the member would have contributed as a member of Group 4 and the amount of employee contributions to the member's credit on the effective date of transfer, plus interest at the rate provided in § 8-37-214.

SECTION 5. Tennessee Code Annotated, Section 8-34-716, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b) Notwithstanding any provision of the law to the contrary, any attorney general and reporter who meets the requirements of § 8-34-623(b) may elect in writing to transfer membership to Group 4 of the retirement system from and after July 1, 2005. The election to transfer membership shall become effective on the date of election.

SECTION 6. Tennessee Code Annotated, Section 8-35-105(a), is amended by deleting subdivision (4) in its entirety and by substituting instead the following language:

(4) Group 4. State judges entering service on or after September 1, 1990, state judges transferring membership under chapter 34, part 7, any attorney general and

reporter who meets the requirements of § 8-34-623(b) and enters service on or after July 1, 2005, and any attorney general and reporter who meets the requirements of § 8-34-623(b) and transfers membership under chapter 34, part 7.

SECTION 7. Tennessee Code Annotated, Section 8-35-105, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c) Notwithstanding any provision of the law to the contrary, any person becoming a member of the retirement system after June 30, 1976 shall be classified as a Group 1 member, except a state judge, and an attorney general and reporter who meets the requirements of § 8-34-623(b). A state judge becoming a member of the retirement system on or after September 1, 1990 shall be classified as a Group 4 member. An attorney general and reporter who meets the requirements of § 8-34-623(b) and becomes a member of the retirement system on or after July 1, 2005 shall also be classified as a Group 4 member.

SECTION 8. Tennessee Code Annotated, Section 8-36-204(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following language:

(1) In addition to all requirements for service or early service retirement, any employee, except a Group 4 employee, becoming a member of the retirement system on or after July 1, 1979, must have a total of ten (10) years of creditable service to qualify for retirement benefits. A Group 4 member must have eight (8) years of creditable service to qualify for retirement benefits.

SECTION 9. Tennessee Code Annotated, Section 8-37-309, is amended by deleting the first sentence of the section in its entirety and by substituting instead the following:

The board of trustees shall annually certify to the general assembly the amount of normal contributions, accumulated liability contribution and cost of living contribution required from the employer to meet the provisions of this chapter for state judges and

attorneys general participating in Groups 1, 3 and 4 of the consolidated retirement system.

SECTION 10. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 11. This act shall take effect on July 1, 2005, the public welfare requiring it.